

**COPY**

PATENT

Attorney's Docket No.: VIRO:017/KAM/FLS

Applicant or Patentee:

Gilles H. Tapolsky  
David W. Osborne

Serial or Patent No.:

08/734,519

Filed or Issued:

October 18, 1996

For:

BIOERODABLE FILM FOR DELIVERY  
OF PHARMACEUTICAL COMPOUNDS  
TO MUCOSAL SURFACES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: ViroTex Corporation  
ADDRESS OF CONCERN 4200 Research Forest Dr., Suite 350  
The Woodlands, Texas 77381

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled "BIOERODABLE FILM FOR DELIVERY OF PHARMACEUTICAL COMPOUNDS TO MUCOSAL SURFACES" by inventors GILLES H. TAPOLSKY and DAVID W. OSBORNE described

- the specification filed herewith  
 application serial no.: 08/734,519, filed October 18, 1996  
 patent no.: \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME:  
ADDRESS:

ViroTex Corporation

4200 Research Forest Dr., Ste. 350, The Woodlands, TX, USA

INDIVIDUAL

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

FULL NAME:  
ADDRESS:

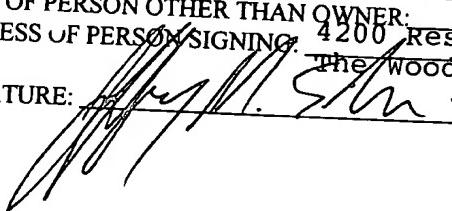
INDIVIDUAL

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Jeffrey M. Soinski  
TITLE OF PERSON OTHER THAN OWNER: President & CEO  
ADDRESS OF PERSON SIGNING: 4200 Research Forest Dr., Ste. 350  
SIGNATURE:   
DATE: 12/10/96

COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gilles H. Tapolsky  
David W. Osborne

Serial No.: 08/734,519

Filed: October 18, 1996

For:     **BIOERODABLE FILM**  
          **FOR DELIVERY OF**  
          **PHARMACEUTICAL COMPOUNDS**  
          **TO MUCOSAL SURFACES**

§     Group Art Unit:

§

§     Examiner:

§     §     Attorney Docket No.: VIRO:017/KAM/FLS

§

§

§

ELECTION UNDER 37 C.F.R. §§ 3.71 and 3.73  
AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor(s).

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Stephen H. Cagle, Reg. No. 26,445  
Patricia A. Kammerer, Reg. No. 29,775  
Melinda L. Patterson, Reg. No. 33,062

each an attorney with the law firm of ARNOLD, WHITE & DURKEE, as its attorney so long as each remains with such law firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

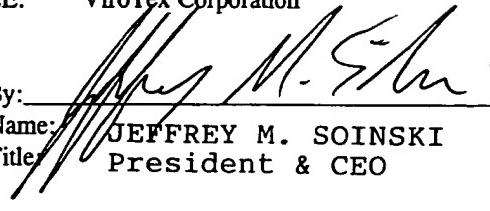
Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to VIROTEX CORPORATION referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Stephen H. Cagle  
ARNOLD, WHITE & DURKEE  
P. O. Box 4433  
Houston, Texas 77210-4433  
(713) 787-1400

ASSIGNEE: ViroTex Corporation

Date: 12/10/96

By:   
Name: JEFFREY M. SOINSKI  
Title: President & CEO

ASSIGNMENT:

- Enclosed for recording  
 Previously recorded

Date: \_\_\_\_\_  
Reel: \_\_\_\_\_  
Frame: \_\_\_\_\_

06069703 "041099"

COPY

CERTIFICATE OF MAILING  
37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

July 17, 1997 D. Henry Sharpe  
Date Signature

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gilles H. Tapolsky  
David W. Osborne

Serial No.: 08/734,519

Filed: October 18, 1996

For: BIOERODABLE FILM FOR DELIVERY  
OF PHARMACEUTICAL COMPOUNDS  
TO MUCOSAL SURFACES

Group Art Unit: 1502

Examiner: E. Webman

Atty. Dkt. No.: VIRO:017/POR

ASSOCIATE POWER OF ATTORNEY  
AND CHANGE OF CORRESPONDENCE ADDRESS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned, being an attorney of record in the above-identified application hereby appoints Gregory L. Porter, Reg. No. 40,131, an associate of the firm of ARNOLD, WHITE & DURKEE, as associate attorney or agent for so long as he remains with such firm, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Letters Patent document.

Please direct all future communications regarding this application as follows:

Gregory L. Porter  
ARNOLD, WHITE & DURKEE  
P.O. Box 4433  
Houston, Texas 77210-4433  
(713) 787-1400

Respectfully submitted,



Patricia A. Kammerer  
Reg. No. 29,775  
Attorney for Applicants

ARNOLD, WHITE & DURKEE  
P.O. Box 4433  
Houston, Texas 77210-4433

Date: July 17, 1997

SAC-CHICAGO - 4045-2000

## D E C L A R A T I O N

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe the below named inventors are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **BIOERODABLE FILM FOR DELIVERY OF PHARMACEUTICAL COMPOUNDS TO MUCOSAL SURFACES**, the specification of which was filed on April 29, 1998.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### PRIOR FOREIGN APPLICATION(S)

<u>PCT/US97/18605</u> (Number)	<u>PCT</u> (Country)	<u>10/16/97</u> (Date Filed)
-----------------------------------	-------------------------	---------------------------------

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/734,519</u> (Application Serial No.)	<u>10/18/96</u> (Filing Date)	<u>Pending</u> (Status)
<u>PCT/US97/18605</u> (Application Serial No.)	<u>10/16/97</u> (Filing Date)	<u>Pending</u> (Status)

I hereby direct that all correspondence and telephone calls be addressed to:

Gregory L. Porter  
 Arnold, White & Durkee  
 P. O. Box 4433  
 Houston, Texas 77210-4433  
 (713) 787-1400

attorneys for the prospective assignee of this application.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name	Gilles H. Tapolsky	
Inventor's Signature		
Date:	Country of Citizenship:	France
Residence Address	62 South Piney Plains The Woodlands, Texas 77382 USA	
Post Office Address, if different from above	Same	

Inventor's Full Name	David W. Osborne	
Inventor's Signature		
Date:	Country of Citizenship: USA	
Residence Address	19 Quiet Oak Circle The Woodlands, Texas 77381 USA	
Post Office Address, if different from above	Same	

0905 FORM 5L0F011